

The House Committee on Judiciary offers the following substitute to HB 206:

A BILL TO BE ENTITLED
AN ACT

To establish the "Georgia Agency Accountability Act"; to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to provide for state agency accountability; to provide for a short title; to provide for legislative intent; to require each state agency to review and evaluate statutory provisions applicable to a state agency; to evaluate duplication of services provided by state agencies; to provide for automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, is amended by designating Code Sections 50-4-1 through 50-4-7 as Article 1 and by adding a new article to read as follows:

"ARTICLE 2

50-4-20.

This article shall be known and may be cited as the 'Georgia Agency Accountability Act.'

It is the intent of the General Assembly to establish a method by which the statutory provisions of each state agency may be evaluated. This article is meant to ensure that the valuable resources of this state are best utilized, services by agencies are not duplicated, and unnecessary statutory provisions relating to agencies performing nonessential government services may be repealed.

21 50-4-21.

22 (a) As used in this article, 'agency' means every state agency, department, board, council,
23 authority, commission, or other state entity but shall not include a municipal, county,
24 authority, or other local government.

25 (b) Each agency shall review the state statutory and constitutional provisions applicable
26 to the agency and prepare a report listing such provisions. The evaluation shall:

27 (1) Provide a comprehensive list of state statutes applicable to the state agency and
28 identify the programs and services performed by the state agency pursuant to an
29 identifiable statute, including all special purpose activities undertaken to perform such
30 statutorily imposed obligations;

31 (2) From the list of statutory obligations, identify any functions or services that are
32 duplicated by other governmental entities and an agency recommendation as to the best
33 option for avoiding such duplication of services or an explanation why a duplication of
34 service is unavoidable; and

35 (3) Identify and list the nonstatutorily required duties, functions, or activities which the
36 agency has assumed or regularly performs.

37 (c) Where an agency has not held an open public meeting for a period of more than 12
38 months such agency shall be presumed to be inactive, and the agency to which such
39 inactive agency is assigned for administrative purposes shall prepare the report required by
40 this Code section on behalf of such inactive agency.

41 (d) The report and evaluation required by this Code section shall be provided annually to
42 the Governor, the Speaker of the House of Representatives, the President of the Senate, and
43 each chairperson and sub-chairperson of an appropriations committee of the General
44 Assembly not later than September 30. An agency shall also provide a copy of the report
45 required by this Code section to any member of the General Assembly, free of charge,
46 when a request for such report is made to the agency in writing.

47 50-4-22.

48 This article shall be automatically repealed on July 1, 2011."

49 **SECTION 2.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
51 without such approval.

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.